

CCB Meeting Transcript – September 9, 2025 @ Hilton Albany, NY

Speaker 1 Good morning, everyone. My name is Jessica Garcia. I'm chair of the Cannabis Control Board, and it's great to be with all of you here today. Recognizing that we have the majority, actually all, of the board members present, I call this meeting to order and welcome all of who are here in person, as well as via the live stream. You all should have seen today's agenda, but it includes approval of the meeting minutes from the July 25th board meeting, consideration of adult use applications for approval. Consideration of adult use license and permit amendment requests, consideration of certain applications with non-viable locations requesting the board determine whether granting the license would promote public convenience and advantage, consideration of administrative appeals, consideration of adult-use and card provisional license extension, consideration of adopting provision license guidance, consideration of creation of the Cannabis Education Advisory Panel. And finally, an update from the Office of Cannabis Management, followed and concluding with public comment. Before we begin today, the OCM's acting general counsel has asked the board to go into executive session to discuss and provide some direction on some pending lawsuits. And so we are going to do that. It'll be about 15, 20 minutes, hopefully, that we will be going into executive session if the board approves, if I could have a motion to go into executive session. Can I have a second? So moved, Madam Chair. Thank you so much. All in favor? Aye. Aye. All right, fantastic. So apologies, everyone. We will be brief and we will return shortly. Now we are ready to resume the meeting, starting with our first order of business, which is to consider and approve the July 25th board minutes. If I could have a motion and a second for that. I'll moved. Thank you both. All in favor, or any amendments or changes to the minutes that have been shared with us? All right, seeing none, all in favor to approve the minutes, please say aye or raise your hand. Actually say aye. Aye. All right. The minutes have been approved. Thank you so much, everyone. And now we are going to keep moving along. Can I have a motion to consider resolution number 2025-58? Consideration of adult use cannabis licenses for approval. Thank you. Can I have a second? All right, and Mr. McKeage, are you going to offer us a discourse

Speaker 2 Before the board today is a cohort of 46 adult use cannabis applications which have cleared the multi-step review process.

Speaker 1 Your mic is.

Speaker 2 I can't hear, Pat. Sorry, Crystal.

Speaker 1 Is it 59?

Speaker 2 Can you hear me, Crystal? I can hear you. So there's 46 applicants in this month's board packet, eight cultivators, 12 adult use retail dispensaries, four microbusinesses, four distributors, 14 processors, and four card licenses that are here for their final approval. If approved, this will bring the total number of adult use applications that have been approved by the board to 1,904. I just wanted to flag that of the licenses in the packet today are from the supply side, December queue, including the eight cultivators, which I know is something we've been trying to get a faster pace on the last couple board meetings. So happy to see those come in. I also want to take a brief moment just to provide an update on the license review process in terms of the number of pending applications in both the November and December queues. First, for the November queue, of which 1,603 applications were queued. 696 have received a final license. 247 have

been issued a provisional license and are working to find a viable location to ultimately receive their final license and begin operations. 280 of those applications are pending, meaning their applications are under review, either working to get additional information from the applicants or processing the applicant's information on the licensing side. And then 380 of those application are currently closed. However, as we talked about at the last board meeting, a subset of those are in process. They're going back into process based on the reason they were denied initially for essentially applying for multiple applications in that window. From the December queue, which included 4,666 applications that were queued, there's a total of 2,704 retail dispensaries that are pending, 872 micro businesses that are pending. 168 cultivator applications that are pending, 105 processor license or applications that are pending and 173 distributor applications that are pending. As always, the office will provide these updates at the monthly board meetings. Thank you to the licensing team for working to process these and happy to answer any additional questions the board may have.

Speaker 1 Any questions from the board? Seeing none I'll call for a vote and actually just to clarify Pat I might have misstated the resolution number are we it's resolution 2025-59 correct yeah 59 all right if there's no discussion or questions can I call for a vote all in favor And I'll say aye as well, so resolution passes. Thank you so much. Now, moving on to resolution number 2025-60, can I have a motion to consider the resolution on consideration of adult use license and permit amendment requests? I just need a motion and a second. Great. And Pat?

Speaker 2 Thank you Madam Chair. So the cannabis law and regulations allow the board to authorize approve amendments for cannabis licensees. Before the board today there are 54 licensees who are requesting an amendment in some form. As a reminder to all licensees, amendment requests can be submitted via the amendment survey which is located on the licensing tab in the Office of Cannabis Management's website. For the first time today, the office is also presenting the board with an amendment requesting a change in ownership for an adult use license, so I anticipate we'll slowly have a larger trickle of those in the subsequent board meetings. And thank you. Happy to answer any questions the board may have.

Speaker 1 Any questions from the board? I just have one, and just for clarification, I noticed that there were, like, three Type 3 processors looking to change their processor type to Type 1. Can you clarify for us, since we have two different kinds of Type 3s, right?

Speaker 2 Absolutely and I know this is confusing. So there are two types of processor type three licenses. There is a one that is branding only and so they actually do not have a physical location in New York. They are only there to capture the brand and then they have to partner with a licensed processor who who does have the authority to process manufacture products in New York State to essentially manufacture the brand for them via white leaving an agreement or some other agreement. To get their products into the New York State market. So those are the branding only and kind of the rationale behind that license was to capture some of these brands so they would, you know, have to disclose their true parties of interest and ownership so the board and the office can hold these brands accountable in the market. The other type of processor type three license is called the processor type 3 packaging labeling and branding. This was really a continuation from our conditional cultivator program which allowed for lack of a better term, some minimal processing for these type of processor licenses. They're only authorized to manufacture cannabis flower products, so pre-rolls, flower in a jar. Those type of processors do have a

physical location in New York State, and the amendment survey does allow them to change the processor type via this amendment process.

Speaker 1 Okay. Thank you for clarifying all of that. Any other questions or comments? All right. Seeing none, can I have a vote? All in favor of resolution 2025-60, signify by saying aye. Motion passes. Can I have a motion to consider resolution 2025-61, consideration of certain applications with non-viable locations, requesting the board to determine whether granting the license would promote public convenience and advantage. I'll move. Second. Thank you We have two applications today.

Speaker 2 We do we do. So just for everyone's reminder the public convenience and advantage process allows an applicant to request approval from the board of a location that is within 1,000 or 2,000 foot radius of another retail dispensary. As Jessica astutely pointed out we have two PCA requests that are before the board today for consideration. Both of these requests will be evaluated under the current regulations. So part 119.4 which are in effect. As of today, as of this board meeting. The first one is a microbusiness, want me to jump right in?

Speaker 1 Yeah, and I'll just, before you do, I do want to clarify, I know at the last meeting I had made the statement that we would be evaluating these PCA requests with the new regulations which we had hoped would be in effect by now, but they have not yet been published. And so, for the time being, all PCA request submitted until they are published will using the old, the current standard for PCA requests. Go ahead Pat. Thank you.

Speaker 2 So the first public convenience and advantage request before the board today is a micro business that has a license. So important to consider here that the PCA request is essentially further amendment for their retail dispensary location associated with this micro business license. It's a PACHA products, New York LLC. The address for the proposed location is 44 Wyclough Ave, Unit 1RF, Brooklyn, New York. This proposed location is in conflict with the two retail dispensary licenses, one of which is currently operating. They are approximately 925 feet away from R&R Remedies, which opened their doors February 1st, 2025. Additionally, there is another licensee that has not opened yet located at 424 Troutman Street. They are approximately 475 feet away from this proposed microbusiness retail location. Just some other aspects of the application. There is a community board opinion that was submitted with this particular application recommending the disapproval or not to approve this location for a microbusiness license. The community board stated potential illicit sales. And the number of other dispensaries that were already licensed nearby. And over to you to consider.

Speaker 1 Thank you, Pat. Given the allegations made by the community board, did the office look into those? Do we have a report from enforcement on this location? Thank you for your attention.

Speaker 2 I can confirm that the office looked into this application and they passed our background check. So, at least the information for us, there was no evidence of illicit sales.

Speaker 1 And my understanding that this location had previously been licensed for hemp, so they are a known...

Speaker 2 Correct. They were Cannaboid Hemp Retail Licensee.

Speaker 3 You said they were a micro-business already licensed. Do they have another retail location or is this their only retail location?

Speaker 2 This would be the retail location, correct? Yep. Right now, they're approved for cultivation, processing, and distribution.

Speaker 1 And you, you, women owned, is it?

Speaker 2 Correct, yes, they are an MWBE, social and economic equity certified business.

Speaker 1 Any other questions from the board? Do you have a sense of the traffic in this neighborhood?

Speaker 2 I don't want to speak out of turn, so not particularly off the top of my head.

Speaker 1 Sorry, didn't mean to put you on the spot. If there are no more questions from the board, I will call for a vote. I forget the order, but Member Rodriguez-Dabney, how will you vote?

Speaker 4 Aye.

Speaker 1 Miss Knight. Aye. Mr. Usher, Aye. Dr. Usher, sorry. Um, and I would see will vote. Aye., um, on Pasha. Great. Now we'll move on to salt city.

Speaker 2 So this is a Salt City Naturals, LLC. They are a card provisional licensee. The proposed address for the retail dispensary location is 61 North 11th Street, Brooklyn, New York. They are our card license. So oftentimes that's very similar to our C licensees had to prove past cannabis conviction and proof of owning a business for a number of years to qualify for that program. There is one. Licensee that is within 1,000 feet of this proposed location. That is at Brooklyn Botanics, which is located at 61 Kent Ave in Brooklyn, New York. They're approximately 325 feet away from the proposed retail dispensary location. This license is non-operational and in conversations with our compliance unit has a longer road to become operational. From preliminary information from that licensee. There was no formal municipal opinion submitted from the community board as it relates to Salt City. And that is the information we have for the board to consider.

Speaker 1 Any questions from the board?

Speaker 3 In their submission, the Salt City indicated that they believe that OCM had made an error in the initial processing of this license. Can you confirm or deny that and if so, explain the situation?

Speaker 2 Absolutely. Great question. So this one did receive a communication from the office indicating that their proposed location, which is in front of the PCA request, was viable. Then it was found out to be an error, that this other applicant should have had proximity because they submitted earlier, and the office had to go back to this particular applicant and tell them that this location is no longer viable. We made a mistake. And so, absolutely correct, confirming that is accurate.

Speaker 1 Any other questions? All right, seeing no questions, I'll call for a vote. Ms. Rodriguez-Dabney? Aye. Ms. Hope? Aye. Knight Sorry. Mr. Usher? Aye. And I I will vote

ay. All right. Moving on. Motion carries. So, all right. They're fine. Moving on to resolution, where are we, 2025-62, consideration of certain administrative appeal decisions, recommending the appeal be dismissed as moot, and we're going to have Selena..... Join us at the table?

Speaker 5 Good morning, everyone. Good morning board members.

Speaker 1 Let me make the motion. Sorry. Um, could I have a motion to consider this resolution? Thank you. In a second, I saw the hand up for Mr Usher. Okay, thank you.

Speaker 5 Now we can hear about it. Good morning. Today we have five appeals. The first three appeals are being presented together. The recommended decision for each of the appeal matters is to dismiss the appeal as moot. The basis being the passage of Ta'amim has really kind of prevented the board from being able to take action. Specifically the Appellant, which is OCM, filed the appeals challenging the vacating of the order to seal by the ALJ. In each of the matters, OCM raises sufficiency questions and argues that they believe the burden of preponderance of the evidence was met. The relief requested is to reinstate the order to seal. However... The cannabis law restricts the issuance of an order to seal for one year. Any order to seal issued by OCM is for one-year from either the date in which it is posted or the date of the judgment. In each of these matters, the date judgment has passed and thus there would be no ability for the board to reinstate the order to seal due to the inability of the board. To effectuate. Anything on either a party or to provide any meaningful relief, the recommendation is to dismiss each of the matters as moot. Any questions from the board?

Speaker 1 Any particular reason we allowed time to lapse?

Speaker 5 There was a good deal amount of appeals in which are pending before the board, and just due to the timing of trying to move them, they were already near the 12 months at the time in which their review came up before the Board. Right, and we didn't meet last month, so yeah, got it. But these are the only three that are pending before the Boards that are in this stance.

Speaker 1 All right. Any other questions? There are no questions. Can I have a vote on resolution 2025-60, no, sorry, dash 62. All in favor? Signify by saying aye. Aye. Great. Motion carries. Next matter is resolution 2025 dash 63, consideration to render a decision in the administrative appeal matter of OCM versus Cush Bloom. Can I have the motion to consider in a second?

Speaker 5 Thank you. This appeal matter was also filed by OCM. On appeal, OCM takes exception to the sufficiency finding made by the administrative law judges and the ALJ ordered that the order to seal be vacated. The ALJ found specifically that OCM had not presented sufficient evidence to substantiate that the premises was not used as a residence. And that it was not lawfully zoned or occupied as such. The recommendation before the board is to deny the appeal and to affirm the ALJ's decision in order. The ALJ specifically relied on the totality of the circumstances in making their decision and it was within their authority under the law. They made determination with regard to the finding of facts and credibility of the witnesses, both appellee. Appellant, OCM, and the appellee had witnesses testify. The testimony included evidence of someone residing at the premises that was inspected. The ALJ determined that there was insufficient evidence to substantiate or insufficient evidence submitted by OCM confirming whether or not. The premises, which is alleged to have been used as a residence, was in fact lawfully zoned as

such. Based on that, the ALJ vacated the order to seal. This hearing also was an emergency hearing that was strictly about the issuance of the order to seal. The NOV and the cease order, which were also issued at the time of the inspection, have not yet been adjudicated, and so any decision here would not impact OCM's ability. Thank you very much. Continue adjudicating or to seek any civil penalties as a result of any unlicensed activity. I'll take any questions.

Speaker 1 Thank you. Thanks for that clarification at the end. That's good to know. Any questions from the board? All right. Seeing none, I'll call for a vote. All in favor of the resolution 2025-63, signify by saying aye. Aye. Any nays? Abstentions? I don't think I heard your vote, Ms. Rodriguez-Dabney, sorry. My apologies, I voted in the affirmative. Thank you so much. All right, resolution carries. And last administrative appeal, if I can have a motion to consider resolution 2025-64 consideration to render a decision in the administrative appeal matter of 5514 Myrtle Avenue Corporation versus OCM. Can I have a move?

Speaker 5 Thank you. Second. Thank you, thank you. This administrative appeal is also following an administrative hearing held by the Office of Administrative Hearings. OCM conducted a regulatory inspection of 5514 Myrtle Avenue's business premises. Following the inspection, the ALJ issued a decision that extended the order to seal. Issued by OCM Appellant 5514 filed the appeal and takes exception with the ALJ's findings, specifically arguing that service was not effectuated and that the ALJ improperly relied on evidence of volume, the volume of cannabis products that were found during the inspection. The recommendation before the board is to deny the appeal, and to affirm the ALJ's decision. The ALJ's decision was made with reason, was supported by the evidence. And was within the ALJ's authority under the law. With regard to service, the ALJ specifically found that under cannabis law 138B2, a copy should be mailed or shall be mailed at any address provided by the individual who is served, personally served at the time of the inspection. In this particular matter, the ALJ found through the investigator's testimony that no address was provided. And in fact, the investigator did ask whether or not there was any information, any additional address, any contact information for the business owner and none was provided. Based on that, the ALJ found OCM was not required to mail. They had in fact effectuated personal service and they had also served, posted a copy at the business premises. The ALJ's decision not to admit certain evidence was within their authority as they the admission of evidence at the hearing. And with respect to the reliance on the volume of what was found during the inspection, the cannabis law permits the ALJ to consider the four factors, whether it's the variety, the volume, in determining whether or not the unlicensed activity was more than a de minimis part of the business activity, and that is what the ALJ did. For those reasons, I would recommend, the decision recommends affirming the ALJ's decision. I'll take any questions.

Speaker 1 Any questions from the board? Thank you for your recommendations, Elena, on all of these. I'll call for the vote. All in favor of adopting the recommendation on resolution 2025-64, signify by saying aye. Rodriguez Dabney? Aye. Thank you. All right, resolution passes. Thank you so much. Thank you Moving on to, can I have a motion to consider resolution 2025-65 consideration to adult use and card provisional license extension? Thank you. Can I have a second? Fantastic. Mr. McKeage, could I have... Madam Chair.

Speaker 5 Did you say 2025-65 or 66?

Speaker 1 I believe the resolutions have been renumbered, and now this one is 65, because we had a... Sorry about that.

Speaker 2 Yes, and apologies. Yeah, I think it is updated on might not have been updated in the packet Yes, so before the board today is a proposed resolution to extend the provisional license time period Because of the different regulations for card and adult use provisinal licenses The office can extend the provision time period for card in the board has the authority to extend The provision time period four adult use on two main factors. They're kind of driving this justification to extend the provisional license time period first has to do with the recent school proximity issue given you know people going out looking there for locations there's a lot of ambiguity out there in terms of what what the rules are going to be long term and so extending this provisinal time period will kind of let the dust settle figure out where things end up and give people some more time to have a little bit more assurance what what the roles are going be in regards to retail dispensary location and in school proximity. And second, there's just kind of just been a general confusion from a number of provisional licensees in terms of which previous extensions apply to them. So we've done a couple of extensions before, and they've always been very targeted at specific groups, usually having to do with either litigation or some other factor. And there's been just general confusion in terms does this extension apply to me? Does this for CARD? Is this for AU? And so the resolution today... Would recommend this extension to December 31st, 2026 for all provisional licensees, including several that have expired over the last two months, and any new provisinal license that would be issued essentially from today until the end of the year. And the idea there, just giving everyone a clear deadline. We can all work on the same process in terms of getting the final application materials in with that. December 31st, 2026.

Speaker 1 Any questions from the board? I just want to, oh sorry, go ahead.

Speaker 3 No, I just wanted to say that I think this is a good step in providing clarity both to applicants and making it easier for the agency to deal with these provisional licenses, and particularly as we address the school proximity issue, I think it's important that we give some flexibility on this.

Speaker 1 I just want to clarify for anybody who's already gotten an extension, will they now have a new deadline as well?

Speaker 2 Exactly. Yep. Everyone's December 31st, 2026.

Speaker 1 Any other questions or comments? Hearing none, I'll call for a vote. All in favor signify by saying aye. Aye. Thank you. Aye. Motion carries. Can I have a motion to consider resolution number 2025-66? This is consideration to adopting provisional license guidance. I just need a motion and a second. Thank you both.

Speaker 2 Thank you, Madam Chair. So this is directly related to our last resolution. And so the office felt it would be important for the board to kind of approve this guidance document, just clarifying kind of the rules of the road as it relates to provisional licenses. So in the attached document, you can see it explains how a provisinal licensee can submit a final location to the office for review. That is to be done via the New York Business Express portal. That goes for both card and adult use provisional licensees. Proof of control is required on the submission of a proposed retail dispensary location, either in the form of a lease or deed in order for it to be reviewed in terms of is it viable, is it not viable? As it relates to the provisinal license deadline, which has now been extended to December

31st, 2026, it also spells out that if someone does not submit their what's called a post-selection application, which is this submitting this retail dispensary location associated with your provisional license. Your license will expire if that time period passes and no post-selection application has been submitted. If a post selection application has been committed, however, a final determination has not been acted on by the board in relation to that provisional license. Then that provisional license is still active until that final determination has been made. So, you know, past the December 31st, 2026 deadline, if there, you know, applications that are submitted, we'll continue processing those until there's a final decision whether to either approve or deny the license. And just the last part of the provisional guidance does is clarify we do not anticipate another extension with the licenses however you know the office and board for good cause on a case by case basis can do so in the future.

Speaker 1 Thank you, any questions from the board? I have two, Pat. Do CARD applicants know whether they are in the cohort that's been approved by the board for their provisional or whether they were in the cohort that has been approved for the agency provisionals?

Speaker 2 That is a great question and probably something we could clarify. Yeah. So I'm going to take that as a takeaway to just have a communication go out to all the card to understand which bucket they fall into. If you received your license before August 7th, 2023, you were approved by the board. If you received your provisional license after the injunction in 2024, you are. You were approved by the office and have to come back to the board. So there's a general dichotomy there, but it's worth clarifying, I think, with everyone.

Speaker 1 Yeah. The other one I wanted to clarify because I know it ended up being a hot topic of debate in our early days is you indicated that proof of control means having a lease and I believe that there had been messaging that indicated in the past that you didn't need to have a fully executed lease. You just needed to show that the landlord was intended to to you. What exactly are we looking for here?

Speaker 2 That's a great question. So a conditional lease is accepted as proof of control. However, it needs to be a step up from just an LOI that a lot of landlords give out. So really looking for clauses that pertain to, if approved by the board, the landlord agrees with the applicant to enter into an agreement here. Those are the sorts of things that we're looking for. Assigned agreement, clear designation of the proposed location. And so kind of all of those factors together go into what is looking for in terms of proof of control.

Speaker 1 I know in the past you've indicated that there has been some smart agreements that protected the licensed applicant from I guess financial burdens that they didn't necessarily need to hold. I don't know if you're ready to share some of those lessons learned or is the agency looking to put out some advice to licensees to make sure that we're not, you know, having folks go bankrupt over this as they're waiting for.

Speaker 2 I think that's a great suggestion for a guidance document and takeaway. I know that has come up in a number of different circumstances and would be something probably that's very worthwhile and helpful for provisional licensees looking for these locations.

Speaker 1 All right, great. Thank you. Any other questions? If there are none, then I will call for a vote. All in favor signify by saying aye. Thank you, no opposed, motion carries. And sorry, I got logged out. Is that my last, is that the last resolution? One more, one more. One more. Okay, one, more. Oh, sorry. Didn't mean to forget this one. Can I have a motion

to consider resolution number 2025-67, consideration to establish a cannabis education advisory panel? Thank you. Can I a second? Wonderful. And is this Lila Hunt who's going to join us? Great.

Speaker 6 All right. Good afternoon, everyone. Before the board today is a resolution to establish the Cannabis Education Advisory Panel, or CEAP. The establishment of the CEAP builds on the ongoing Listen and Learn series that OCM has been holding this past summer, where we've been hearing directly from youth, parents, and trusted adults in community-based organizations across the state. Across New York, communities are telling us the same thing. They need credible, accessible resources on cannabis, whether that be young people who want to learn more about the health effects of cannabis or parents who need help navigating conversations with the youth in their life. It's clear that for too long, government materials haven't always been trusted or necessarily responsive or tailored to community needs. And right now, many parents and young people are turning to social media and other informal sources that are not always evidence-based or credible. And so the establishment of the CEAP will help us change that. It will be the first statewide body that's dedicated to youth and family-centered cannabis education. It'll help OCM ensure that the resources we produce ultimately are trusted, relevant, and meet New Yorkers where they are with the educational materials that they're asking for. So the panel will serve in an advisory role supporting the work of the Health and Scientific Affairs Unit within OCM. It'll help us strengthen OCM's campaigns and educational resources by providing expert input. Its objectives, rather, are to recommend best practices in youth and family cannabis education, advise OCM on the design and implementation of educational resources and initiatives. And to help ensure that what we produce is evidence-informed and culturally responsive. So if approved today, we will be looking to recruit up to 15 exceptional leaders from across New York, and we're really looking for professionals in adolescent health, educators, individuals in community-based organizations that serve youth and families, individuals that really have lived experience and can help advise and make sure that everything that we're producing is ultimately meeting people where they are. So I'm happy to take any questions you have.

Speaker 1 Any questions from the board?

Speaker 6 What would the application process look like? Sure, so if approved today, the application processes, it asks a few questions about background. Folks will upload their CV. We'll have, you know, it'll take about 30 minutes or so to get through. It tells you, tells us a bit about your expertise because ultimately that's what we're looking to recruit. And then we'll have a team from the Health and Scientific Affairs Unit review, make sure they're eligible, and then make sure that ultimately that panel will be. Reflective of the diverse communities across the state.

Speaker 1 And aside from expertise, is there any other reason someone wouldn't be eligible?

Speaker 6 No, really it's making sure that the expertise is there, and then making sure that that membership is balanced. So we want to make sure, you know, I referenced a series of different expertise areas that we're looking to recruit to bring in, whether that be behavioral health or clinical expertise, and so finding that balance is the ultimate goal.

Speaker 1 And have you given any thought to the time commitment that it'll. Yeah.

Speaker 6 Yes, so based on best practice and stakeholder engagement and experiences we've had as an agency so far, we want to make sure that that's something that's up front and center in the application materials, too, that it'll be a bit of a time commitment. But that being said, it's a great opportunity. It's an opportunity to help shape cannabis education in an area where there really aren't many alternatives outside of TikTok, which, again, is very credible. And so. It will be about monthly meetings. What we're looking for for the first commitment is a year of folks being able to serve on the panel. So, for a year, once a month, we'll meet, we hope not to put in front of them a packet resembling your own, and ultimately that's something that we're very transparent about is making sure that folks are aware of the commitment.

Speaker 1 Two more questions. One is, I was talking to my doctor recently, and I was, when I told her that I was in this role, she had a lot of questions about education to youth and parents around pesticides in products. And I just wondered what your vision is for what you produce out of this process and who you hope to reach, and wondering if you are gonna look to reach out to medical professionals. You know, just so they can talk to parents about this.

Speaker 6 It's a great question and it's so interesting to hear the experiences of everyone having conversation with their their clinicians. It's always so different, right? It really depends. We're so lucky to have our new chief medical officer on board at the office and helping us guide and really shape what clinical conversations look like. But outside of that and the youth and family space, you know, I think we're really starting what we're learning from the Listen and Learn series that we've been doing the summers. We're not starting at the ground floor. It's really like a deep subterranean level here because there's so many years of misinformation and miseducation that we need to sort of counterbalance, right, so there's a lot of room to really start from the basics of the cannabis plant. What is cannabis? That's really where we're starting from. And then the nuances of the legislation and the rules in New York State, the differences between the regulated market and the unregulated market. The health effects, the risks, the benefits, the medical cannabis program and how that can be beneficial to folks. And then from what we're hearing on the parent side is parents are looking for tools and sort of how to navigate these conversations. But conversely, we're hear from young people, they want tools and how to navigate the conversations not just with their peers, which one might expect, but also with the parents. And so I think we're looking for a way to create some tools and resources. That can be a bit interactive, some gamified elements, some elements that are really helping people kind of adapt some conversational tools that they can use based on their unique situation. So a ton more to come. We'll definitely have an update to share as we conclude the Listen and Learn series with you all. And then the other thing is we're really open to hearing what ultimately, if approved, the Cannabis Education Advisory panel members. Thank you. Thank you thank you. Thank you and good night. Bye. Feel is most necessary to their unique communities across the state.

Speaker 1 I would urge you, if we approve this, for you to consider how the panel can also support being culturally sensitive, since those conversations that you gave as examples, obviously are going to vary by where parents are coming from and their upbringing. Absolutely. And also, just to confirm, we will be hearing from you if we approved this. Again, you'll be reporting to us how the Panel is working out. Absolutely. Yeah, we look forward to that. Okay. Wonderful. Any other questions? Sorry to dominate. Okay. So no other questions. I'll call for a vote. All in favor of approving the creation of this panel, signify by saying aye.

Speaker 4 Aye.

Speaker 1 Aye. Wonderful. Motion carries.

Speaker 6 Sorry, one more slide. Yeah, here we go. Oh, one slide, sorry. So great, with your approval today, we're now ready to jump in and move quickly, so applications for CEAP will open immediately. You'll see a QR code on your screen here, and we'll have some additional communications from the office. The application will remain open for a month-long period, so that means it will close on October 9th, and our goal is seat the panel this fall. With the first convening before the end of the year. So we will also be inviting ex-officio members from state agencies to ensure this work is aligned and coordinated across government. And ultimately, you know, the goal is seat members will bring forward the diverse experiences of New York's communities and help us incorporate the latest research into the design and implementation of the materials. So we hope this is an exciting opportunity and to have a. A mountain of applications to go through.

Speaker 1 All right, good luck, thank you. All right. Just one more thing standing in the way between public comments and us right now. But this is the good part. So I'm going to pass it off to Acting Executive Director, Felicia Reid, for the office report.

Speaker 7 Thank you, Chair Garcia. Can everyone hear me? Everyone on Zoom hear me. I see, yeah, okay, great. So we have a few things to get through relative to the Mark report. Thank you all for being here. The first part that I am going to discuss, and I'm probably way too close to this mic, is the school proximity update that went out at the last month, I believe. So I wanted to speak on this just a little bit because I know that there's been a lot of conversation about how. The agency got to make this decision, what went into it, the timing. There's been a lot of chatter around how we got here, so I just want to let folks know. I've had this conversation with legislators, I've have them with advocacy groups, and so I think this is an appropriate place to also have or relate to you all how we got to this point. So I'll just walk through linearly the timeline of discovery and then process. Of course, I can't get into too much because currently there is litigation on the point. But I just want to, again, educate folks about how we got here. So this comes out of, you know, the governor several years ago did a review of the agency. But I think what I knew coming into this role is that that would not be everything that there was to discover about what was happening in terms of agency practice. So my role in terms standing at the agency, in terms operations, in pacing scope, all of that, is to ensure that the practices that we, as an agency, are doing... Are supported by our law, number one, and our regulations secondarily. So coming out of session, there was a lot that happened this session, and so we had the opportunity to get a little bit of time to look back and see, like, what practices were there across the agency that may not be supported by, again, statute and regulations. And I take the MRTA very seriously in terms of what it allows the agency to do. You know, I don't want to put the agency in a position. Where it is violating practice or regulation or law, because that's a risk to all of you folks who are in this space, and as well as a risk for licensees. So in coming out of session, we had a little bit of breathing room, not much in the cannabis space, a little breathing room to sort of do a review of certain practices, and this one came up in terms of how we were making the decision around where dispensaries were located. The law is really clear that says that, you know, the distance between a dispensary and a school, it cross references the education law for the definition of a school. What folks may be aware of is that that's a little bit different from some other state laws in terms of a cross reference. We have a specific cross reference to education law in that definition of the school. And that definition of a school is not just the building. It is everything that a school owns in space. Now, of course, for those of you who

are in denser urban areas, New York City in particular, when we consider all of the places that a schools owns, that means that the ability for dispensaries to locate is narrower and narrower and narrow. So, of the question for me came to how did we get to be doing this door-to-door measurement when the law is very clear around the edge of school grounds? There was a lot of conversation around how we got here, but I think there was some thought that there was a regulation. I want to be very clear with all of you all that there has been no regulation around modifying the distance measurement relative to the statute. The operative practice, if there's something that is in the law that is creating issue, is to go back and amend the law. You do not overcome statute by practice, articulated or not, and you do not over it via regulation, so. That is sort of the challenge that we're finding ourselves in with this is that we had to go back and comply with the law because as I articulated earlier, if we do not, that is a risk for the agency and that is a risk to the industry. So of course, my next question is, well, how many folks does this impact? I will say when this sort of came out as a matter of information, I did not anticipate how many it would impact, but of course we have that 152. And then around 48 applicants. We did, of course, as an agency, have some that we had to visually verify to ensure that how we were measuring and what was on record, you know, matched up with dispensary locations. But we came up with that number. It took about three weeks to go through manually, and I thank, you, know, the locations team every day, thank you, thank, thank guys, for taking the time on several weekends to go through, comb through every single application, every single licensee, to come with this number. So far, the number has been fairly static. There's been some increases and some decreases based on, you know, folks reaching out and saying, you now, I don't think this is a school or, you what turns out what was nearby was not a school. So, there's been a little bit of modification, but not much relative to the initial number. And that, again, I thank the locations team and everyone at OCM for doing that level of due diligence because I knew that this was going to be a particular announcement of weight and we had to try to get it as right as we could on the announcing. So at that point, we had an idea of how large the scope was, again, that took about three weeks. And then for me, I, and this is, you know, thanks to my dad, he doesn't like me to propose a problem without at least identifying some solutions. So this is how we got to the proposal to seek a legislative amendment, which again, which is what should have been done initially. But to seek a legislative amendment what that would look like so that it would allow businesses to stay where they are. And that is still the trajectory that we are working on. We want to make sure, and the governor is very serious about ensuring that these businesses who are impacted stay where there are. I know that many of you have made investments in not just your businesses, but your communities, your family. Like, cannabis businesses are connected to a larger ecosystem, and the proposition of having to move, I recognize, is difficult. So that is the focus that we are having as an agency in conversations with the legislature. I want to also thank several of the advocacy groups who have, you know, educated us about their perspective. You know, that's been really important. So that's where we are today, and the secondary opportunity was to create a applicant relief program. And so we're still working through some of that with our partners and other state agencies. But I just want, again, to give an update of how we got here. You know, I recognize very pointedly that on a market that is centered and created on the proposition and the hope of equity, you know, this has an equity impact. But what we don't want that impact to be is detrimental long-term. So again, we are working with the governor and with our partners and in the legislature to try to come to an adaptive solution that works for the industry and take a bit more of a forward-looking and future-looking approach to the needs of the industry in the years. So I just wanted to give folks an update on that. I know I've had so many conversations with many folks around how we got here, but I wanted to educate folks in the public about where that's coming from and what that is. And then I think.

Speaker 1 Oh, sure. Is that it? That's okay? Yeah.

Speaker 7 Absolutely.

Speaker 1 My question is, I hate to say this, but I, you know, my inbox is still flooded with questions and I get the sense that not all the folks who are impacted by this issue are fully aware that they're impacted by the issue and so they're wondering what the delay is in the processing of their application. I'm wondering if there's anything more the agency can do to notify folks that this Like they are impacted and we're waiting for the solution in order to be able to do anything with their application.

Speaker 7 Yeah, we did several points of outreach initially. One was an initial letter to folks who were impacted, and that, I think folks know at this point, everything that is out there that has my name on it, I write it, and I wanted to be very particular around explaining all of the issues and who was impacted, the wherefores and whys. There was a second memo that went out that was a lot tighter than that initial letter. That sort of hit what's happening, what's next, and if it applies to you. So folks should have gotten those two communications. If they didn't, we also had our customer service team, thank you customer service, team follow up with every single person who might have been impacted to get that sort, not in person, but at least a greater touch point relative to if they were impacted. And so I know that there's been a lot of conversation from folks coming up from the customer service teams. And from the licensing team around the folks who are impacted. So to date, those are the three strategies that we employed. If there are other folks who are like, and this might include me that's not, please make sure to reach out to OCM. I'm gonna get Pat the email. Is Pat still down there? No, that's Kevin. Hi, Kevin. Is it locations at ocm.ny.gov? All right, so if you're wondering whether you're impacted still or you think you're impact or you're not impacted. It is locations, locations with an S at the end, at ocm.ny.gov. Reach out to that address, and someone will get in touch with you relative to your concern or your issue. But we have tried to, in this process, try to remain as engaged as possible, because again, I knew that the weight of the news was challenging for many folks, and that's an understatement. But we want to try to get this right going forward, and I'm particularly hopeful. And I will say. Encouraged by the conversations I've been able to have since, especially with members of the legislature who understand, let me be very clear, they very much understand the issue.

Speaker 4 Thank you. Sure.

Speaker 7 No problem. I think I am.

Speaker 3 Yeah, I just wanted to weigh in that, you know, I'm less concerned about what happens in the past than what happens going forward. And certainly the legislative solution seems to be the right way, but whatever we can do to minimize disruption to applicants who, and licensees especially, who've been located in these places and have invested, we really need to be doing. And as you pointed out, based on who these licensees are, this is a major equity issue for the agency.

Speaker 7 Um, I think any other questions from the board. All right. Um, I think I'm doing power score, which is next. I don't need a slide, I got a slide right here. So Power Score for folks in cultivation, these were due August 31st, however, it is not too late. If you missed a deadline, again, not too later, you can access your Power Score account at any time that it's still open to you. If you need a tutorial on sort of the wherefores, the whys, the hows,

we have a YouTube video available on the office's YouTube page. So you just type YouTube, OCM, you will see a tortiller come up on the page. If you have questions about reporting requirements and timelines, I'm going to give you two different e-mail addresses, but if you have question about reporting requirements and timeline, you're going to contact powerscore.ocm.ny.gov. Again, if you questions about recording requirements or timelines, contact powerscores.ocmm.ny .gov. And if you had questions about the powerscore application itself or your account, so issues of your account getting in, access all of that. You're going to contact powerscore at resource innovation, resource innovation one word, dot org. That's again powerscoreatresourceinnovation.org. Again, if you have not completed and you are cultivating, you can still do so. I want to urge you to continue to do that and complete that because the data we're getting out of Powerscore so far has been incredibly elucidative. And really useful for us understanding, you know, the nature of energy consumption and all of that in the cannabis industry. So get to it. All right, I think, are we on to C? Or are we onto market report? All right. Thank you all.

Speaker 8 Can everybody hear me? All right, great. Okay, good afternoon. Today I'm gonna walk everybody through the initial insights we found by analyzing the results of our recent cultivator survey and then dive into our usual sales analysis. Please stop me if you have any questions along the way. In July, we launched a survey to all licensed cultivators to better understand their operations. Thank you very much to everybody who participated. This stuff really helps us get a better sense of the market and allows us to make more informed decisions. 233 of you completed the survey. This makes up 45% of the licensed cultivator population and 60% of licensed canopy in the market. As you can see in the chart on the right, 57% of adult use cultivators, 37% of micro businesses, and 29% of ROs completed this survey. All in all, this is pretty solid coverage. Next slide, please. This slide looks at the operational statuses of survey respondents shown in the chart on the left and their share of authorized canopy shown in chart on the right. Of those that responded to the survey, almost 75% were operational. Non-operational licensees tended to be smaller scale than their operational counterparts. Next slide, please. Among non-operational respondents, 54% have a planned date on which they expect to begin operations. Of that 54% who have an expected date, 75% plan to begin growing in 2025. September was the most popular month among respondents. In short, we have a decent chunk of the surveyed population that is not yet online. These folks tend to be smaller operations, but a majority of them expect to come online soon. Next slide, please. We asked all respondents to estimate, one, the amount of cannabis they have already planted in 2025, this is the green bars, and two, how much they intended to plant for the remainder of the year. These are the orange bars for operational licensees and gray bars for non-operational licensees. Respondents in total anticipated planting almost 5.8 million square feet of cannabis in 2025. Remember, the survey results represent 60% of the authorized canopy in the market. You may notice that the amount of cannabis that respondents expect to plant exceeds their authorization. That is because some grow types can support multiple harvest cycles. On average, across the grow types, licensees have 2.2 harvest cycles on the next slide will account for multiple cycles to try to get a more accurate look at utilization. Next slide, please. In order to get a better sense of how much the physical space licensees are utilizing, we divided each respondent's respective reported and expected cannabis planted for 2025 and divided it by the number of harvest cycles they expect to have. So total planted estimate over number of cycles. The chart below shows what percentage of their authorization each grow type and tier utilizes per cycle. A cross-response, the average per cycle utilization was about 55 percent. Outdoor had the highest utilization with tier four utilizing 85% of their authorization per cycle. Many in tier four are maxed out or close to maxing out their tier. In addition, indoor had the lowest reported utilization. Tier five indoor, which reflects some of the ROs, are at 39% of their

100,000 square foot authorizations. While some larger scale cultivators are bumping up against their capacity, there is still a lot of unused capacity in this market. The question is, will they utilize it? Next slide, please. The answer for many respondents was yes. 57% of respondents intend to expand cultivation in 2026. 66% of non-operational said they intend to grow more next year than this year, which makes sense. 49% of operational intend to extend as well, though. Operational licensees who intended to grow more largely expected to grow a lot more, with 78% saying they plan to expand capacity by 15% or more next year. Additionally... 37% of respondents are likely to ask for a tier increase in the medium term, while 19% are already at their maximum tier. If these plans materialize, we would expect that the 55% utilization number would grow meaningfully in 2026 and beyond. Our next steps will be to try to use this information presented today to estimate supply and match it against anticipated demand. This will require some modeling, but we hope to share something soon. Next slide, please. Through the third week of August, New York's adult use market reported \$142 million in retail sales. We expect when August closes, it will exceed July's total of \$162 million. New York has crossed the \$1 billion mark for the year and the \$2 billion mark as a program. This is an impressive milestone. This is an impressive milestone and illustrates the compounding growth of the market. It took New York about two years to reach their first billion in retail sales and only eight months to make their second. Next slide, please. This growth is primarily driven by a steady increase in the number of dispensaries over time, serving more existing customers legally, and stimulating demand for new customers as well. After a long decline, sales per store has stabilized, growing for two months straight. This is primarily given by improvements in performance by the bottom half of dispensaries. As more of these businesses ramp and mature, their sales per store improves until they reach a steady state. Over time, the market will have more and more mature stores offsetting the drag from new ramping stores entering the market. Next slide, please. This final slide shows population per dispensary, average sales per store, and average price for each ESD region. Pricing across the state is fairly consistent, with Staten Island and Long Island as outliers, having higher prices than average. Upstate regions are more retail-dense than downstate, with most upstate regions sitting between 30 and 50,000 people per dispensary, with only the capital region below 30,000 and Mohawk Valley above 50,000. Downstate regions are generally between 50,000 and 100,000 people per dispensary. With Long Island as a low-density outlier. As a result, most upstate regions have lower sales per store, typically between three and four million per year, than their downstate counterparts, who generally sit between four and five million dollars per year. We will continue to monitor regional performance over time. Any questions from the board?

Speaker 1 Thanks so much, Kevin. Board, any questions?

Speaker 3 You mentioned that existing producers could apply for a tier increase. How will the board or how will the agency look at that in terms of versus tier increases versus new producers?

Speaker 8 Great question. So I think some of the analysis that we plan to do on top of this, kind of the way we did for retail, kind of doing a baseline analysis, setting assumptions, and then modeling decision on top of that, so I think there'll be more analysis that needs to be done to determine what the right levers to pull are. But there are like five in total that we could use in a variety of ways. One is the operationalization of previously non-operational licensees that will bring more canopy onto the market. Increased efficiency of grow operations, as growers become more experienced over time and dial in their operations, we would expect that their yield would increase on the same amount of canopy. Expanding within their existing authorization, which we've seen that a lot of people intend to do. So,

that's like the first bucket. Those are out of our control, but they're observable. We can see what people are doing and try to account for that. And then the other two would be tier and grow type changes. And new licensed cannabis, which are in our control. So again, the results of the analysis will probably help inform which levers we think the best ones are to pull. So we'll come back to you when we've dug in a little bit deeper.

Speaker 1 And you mentioned that you plan to do a bit more analysis on the demand side to see how When do you anticipate having that data?

Speaker 8 I would love to say next month, but either next meeting or the following meeting, I would say is probably realistic, just depending on how complicated the modeling is.

Speaker 1 Highly encourage you to have it ready for the next meeting.

Speaker 8 Any other questions? All right. Next slide, please. I just have one reminder for everybody. Okay. Finally, I just wanted to remind everybody to take our market assessment survey. The GovDelivery email went out last week and should only take a few minutes to complete. The survey closes September 22nd and is open to all licensees. Similar to the content we presented today, the content covered in the survey will help us better understand market conditions and licensee sentiment. Thank you in advance for participating.

Speaker 1 Thanks so much. Thank you. Do we have Simone Washington?

Speaker 7 Simone Washington next. Good afternoon. Can everyone hear me? Everyone on the line, can you hear me. Great. I'm going to give the social and economic equity or C update. In addition to the usual licensing numbers, I thought it would be beneficial for this body to have an update on the programmatic areas that we're leading as well. As of today, the licenses issued today, 67 percent of those happen to be C, licensees or applicants. 41 percent are minority-owned businesses, 31 percent women-owned business, 14 percent communities disproportionately impacted or CDIs, 14%, 7 percent service-disabled veterans or SDV, and 0 percent distressed farmers. Next slide, please. Distress. Overall, 56 percent of all adult use licenses are issued to licensees, 41 percent minority owned businesses, 57 percent women-owned businesses, 15 percent CDIs, 7 percent SDVs, and 7 percent distressed farmers. If you will notice between these two slides, we're lacking on the numbers for CDI's, service-disabled veterans, and distressed farms. I have asked the staff to look into opportunities for us to better serve those communities and populations. Both programmatically and also through community engagement. So across the supply chain, as usual, the numbers show that the vast majority of C licensees happen to be in the adult use retail space. Coming in a close second is the adult used micro business, followed by adult use processors at 47 percent and adult use distributors at 54 percent and 39 percent adult use cultivators. And so I want to stop there to see if the board has any questions about the numbers around licenses for C applicants.

Speaker 1 Have you given any thought to why our numbers for service disabled veterans and distressed farmers is so low?

Speaker 7 I think for service disabled veterans, it's just a lack of engagement. I'm going to talk a little bit about a task force that we're leading, and I've asked the team to amp up the work around that task force to understand what the needs are. In terms of distressed farmers, as I've been told by staff, that application tends to be a bit cumbersome, and so

from an equity standpoint, we want to kind of go back and make sure that what we're asking them is actually necessary to make this least restrictive application process. Next slide, please. So in terms of C programming, we currently have two programs that I think are kind of like in the tail end of development and implementation, two that are kind of ongoing programs for the team, and then two that in the hopper that to me reflect more the direction that I'd like to take the team, focusing specifically on access to resources and incubatorial services for C applicants and licensees. Next slide please. So first is the CARD grant. At the top of the year, we issued \$5 million to C startups to help with expenses. Those grants were up to \$30,000. We had 159 awardees across all ESD regions. They were issued in three different rounds. I think the last round went out earlier this week. So all that money's out the door. The administrator will be providing reporting. That's a big feat.

Speaker 4 Thank you.

Speaker 7 Thank you. Our fund administrator will be providing trending reporting, looking at things about geographic reach, any type of expenses that tend to be common across the board. And so it will give us a snapshot of what the needs actually are, because we're gearing up for a card 2.0. And we want to make sure that how we design that card 2.0 is informed by the previous grant process, but then also just hearing back from people who are awardees. So, I've had the C team members conduct what I call a qualitative assessment, so they're phoning all 159 awardees to get a sense of what was your experience? Did it help your business? Was there any transformative impact? And then what was your experience with the fund administrator? Again, are there certain things that we can do differently to make this a little bit less cumbersome? And so, you'll get a comprehensive report at the end of the year documenting all of this, again, for the lead up to card 2.0.

Speaker 1 And when you say card 2.0, you mean card grand 2.00? Sorry.

Speaker 7 Next slide please. So, in addition to getting money out the door, we're also thinking about what tools might be helpful for C & card applicants, and one of those tools is our microbusiness pro forma. We engage a financial advisory firm to create a tool specifically tailored to the need of microbusiness licensees, and what's so unique about this tool is that it allows for microbusinesses to forecast financials, cost, revenues, capital needs, and then also to create business plans to engage with investors, so it gives them a leg up. So, this tool is... Finish, we're hoping to have it released either by the end of this month or early next month. Next slide, please. The other thing that we're working on is to see online resource libraries. So we've done a litany of trainings and technical assistance offerings, and this is just our way of being able to capture them and house them. So this will be on the OCM website. It will be open to all licensees, not just C licensees. And so it's live webinars, FAQs, one-pagers, standard operating procedures, anything that we have put out in service to C&Card applicants to help. And so. This is in process. We're hoping to have this up towards the end of the year and add to it as we get more information. Next slide, please. So the other thing that we've been working on is our SDVOB, which is our Service Disabled Veterans Task Force. This is something that came by way of a legal settlement, and so we've convened this task force since 2024, and it's focused on expanding veteran participation in the cannabis industry, looking at what barriers exist, what research we can actually fund or support to look at this group more specifically, and on veterans' health. And so we've conducted or created a veteran-specific guidance on cannabis use, and we have a QR code if you're curious about the particulars around that. We've also partnered with the Office of Government Services on their Division of Services

Able Veterans Business Development to support the registration of businesses within the state. We'll be participating in the VetCon conference slated for the end of the year. And there will be other activities as we get a sense of working with this committee about how they want to work with OCM and what is needed in terms of serving disabled veterans. Next slide, please. So the next one I'm going to talk about are actually programs that the team has started developing, and they will be probably more in the implementation phase next year. So the first is a loan fund, a loan loss reserve program. We have a fund of RO transition fees to fund some of this work, and so that money will be used to the tune of two to eight million dollars to fund a loan program. We're in the process now of working with a third party to create an RFP that will be released later on in 2025 to identify and retain a fund administrator for this program. The program will be structured by OCM in partnership with a contractor and we will share the particulars with this board before we hit the send button or start button on anything. We want this to be a pilot project and we're looking to start this in Q3, 2026. I've asked the team to keep this kind of Concise, right? Limit the number of applicants. Make sure we're looking across different types of licensees, pools, geographic regions, just to get a sense of whether or not this program is structured correctly. And so the initial round is just us in a Petri dish trying to figure out if this works. As we get a sense of how to run this better and our capacity expands, we will expand this program.

Speaker 1 Simone, is this program also going to be advised through the Cannabis Advisory Board, the use of the funds?

Speaker 7 We haven't discussed that. We're going to work with the administrator to figure out what's going to be the best process for this. Next slide, please. We're in the process of formulating a partnership between CUNY Law and SUNY that focuses on expanding legal and learning access. With CUNY Law, we will be hiring two attorneys to offer pro bono services. What we found, looking at the numbers, is that legal services tend to be cost prohibitive for startups. And so we want to make sure that we're offering those services to give new licensees a leg up. And with SUNY, they offer a cadre of cannabis-related training courses. This will be a tuition reimbursement program. Again, the idea is for startups for C and CARD applicants that we're giving you resources that tend to be a hindrance or encumbrance for startups. Again, this is open to C applicants. I think we're toying with the idea of opening up the CART applications and licensees. The anticipated start date for CUNY law is Q4 2025, so the end of this year, and the SUNY no-cost education should be Q2 of 2026. I want to close quickly by saying these programs, although noble, they tend to be more ad hoc and reactionary and what I've asked the team to do is that we're running parallel tracks. We will run these programs. So we're thinking about how do we create permanent programming that's responsive to the needs of the market. And so part of this is just for us to pilot certain aspects of what will go into for permanent programming.

Speaker 1 This is phenomenal. Thank you so much. We've been eager to hear more about how your office is developing the kind of programming that our applicants and licensees need and it's, I really enjoyed and appreciate the work that you've put into it and your team has put into this and look forward to hearing more as you develop these ideas. Thank you.

Speaker 2 One last quick update. Just wanted to give the opportunity to announce, we did make an announcement late last week regarding our transition to a new seed to sale system. So a month ago, we put out a communication, letting everyone know that we're pausing the integration with the BioTrac New York seed to sales system. This was

because BioTrak and Metric, another large seed to sell company, had entered into a strategic partnership. Following a thorough review of that contract and kind of the options available for OCM under that contract, we decided it was in the best interest for the New York State market to go with this metric solution. So we've kind of kicked off the work there, both on the administrative side to kind of get the contract reassigned on the procurement side of the house, and then also working on a project plan for implementation. We are hoping to get this up and running by early 2026. And I'm going to provide the board with updates as we get closer through this process. Right now, if you're a licensee, pretty much status quo, continue tracking using your electronic inventory management system, which is a requirement in the regulations. If you've purchased any BioTrack tags through this new partnership, Metric is going to help cover those tags for the Metric system and be on the lookout for future communications from the office.

Speaker 1 Any concluding remarks Felicia? All good? I've said enough. All right well thank you to you and your team for all those updates and our next and last order of business we will be providing members of the public with the opportunity to address the board. Each member of the public addressing the board during this time will have two minutes to speak on agenda items. Please note that if you submitted comments electronically, those will be captured in the meeting minutes for today's meeting and posted on the website. And just remember that we will not be answering questions today, but where possible we will attempt to do so after the meeting via email. And you can also always follow up with the board senior advisor, Nick Perry, who is in the room somewhere in the back. And he can also be of assistance in getting answers if. If needed. So with that, we will start the public comment period. I'm going to ask our first speaker, Toni Kelly, to approach the mic, and you will be followed by Nicola Chiaravalle, Chiarivalle? All right, take it away, Mr. Kelly. Two minutes. And where's our timekeeper? Do we have a timekeeper, do you want to? Oh, look at that. I'll give you 10 seconds, go ahead.

Speaker 9 Good afternoon, Madam Chair, fellow board members, and OCM leadership. My name is Tony Kelly and I'm here to represent Interstate 420, a consultant company, as well as many other operators who share the same concerns that I'm hear to express. I want to be very clear, the past six months have been devastating for our businesses and for our communities. What was meant to be a fair, transparent, and supportive rollout of New York's cannabis program has instead been marked with delays, inconsistent guidance, and lack of communication. That has cost us valuable time, money, and trust. We're facing contradictory guidance that changes without notice, forcing us to redo work that we thought was correct. We're faced in deficiency notices that are sent in waves, sometimes months apart, that keep us in a constant state of reaction instead of allowing us to move forward. We're face an unacceptably slow response times to our questions, often weeks or months without an answer, even when those questions are urgent and compliance related. And we're also facing a lack of proactive support, leaving us to guess at what is required and then being punished with further delays when we guess incorrectly. These are not minor inconveniences. They are systemic failures with real consequences. Operators are burning through savings, taking on unsustainable debt, laying off staff, and in some cases, closing their doors entirely. Social equity applicants, the very people that this program was supposed to empower, are being put in impossible situations. This is not just hurting individual businesses, it's hurting our communities, it's slowing job creation, and undermining the credibility of this entire program. We're here today to ask for three immediate improvements. Number one, please provide comprehensive deficiency lists up front, so that everyone can resolve everything at once, instead of piecemeal.

Speaker 1 I'll give you ten seconds.

Speaker 9 I do have 10 seconds, thank you. Number two, please commit to reasonable, predictable response times for operator inquiries. Please issue clear, consistent written guidance and please offer proactive support and communication so that we can all stay compliant and operational.

Speaker 1 Thank you. Thank you. Nicola Chiaravalle followed by KB.

Speaker 2 Good afternoon board members and OCM leadership. My name is Nikola Cheravalli, owner of Primero and a legacy grower for 30 years. I'm excited you have restarted the review process for December Queue applicants. This is absolutely the correct decision for multiple reasons. First, this will help slow down and ultimately end the unlicensed market. December applicants like myself are legacy growers with experience in indoor quality cultivation. We will go head-to-head against the illegal market. And help sway those consumers to the license-safe market. Second, this decision will expand dispensary menus, making current and future retail stores a true one-stop shop for consumers and stop searching elsewhere. I do ask to expedite the process, not because I'm eager to get to the front line, but because I care for New York overall. We need to prevent the supply gap that's coming. Indoor facilities take time to build. One to two months obtaining financing with the license, eight to 10 months to construction, six to seven months before the first harvest. Prime Arrow has been preparing for this for four and a half years. Our community needs jobs and economic growth will provide. We have all our SOPs in gear, local government approvals, and architectural and MEP drawings completed. We're ready as a team member to take down the illegal market. I have with me two letters of support from Warren County, EDC, and the Town of Queensbury that I can hand to you if it's possible. That's it. Yeah. Thank you.

Speaker 1 Thank you. You're done? Yeah? Okay. Thank you so much. Kate Ruby or H. Ruby followed by Jared Spindle.

Speaker 6 Hi. Thank you, Madam Chair. It's Kate Ruby, just a silent H. Oh, okay. Thank you. So, I am a regulatory consultant, work with various licensees. Just wanted to both thank the new Chief Equity Officer for really laying out these programs in an articulate matter and proactively planning for the future. I think that's really what we need to do in all respects, and as well as you, Madam Chair, and the executive director as well. It's good to hear. Articulate, thought out, proactive, you know, responses from y'all. One matter I know that this is kind of beating a dead horse, the STS, is very important from a, we looked at some of the capacity issues with supply, especially on the indoor cultivation side. My clients on the supply side, especially the smaller operators, are spending hours. Filling out the inventory reporting, the bi-weekly inventory reporting for small businesses that have one or two people working for them hours. And not only that, you know, that's cause for error. The retailers on the other hand, it's not perfect. And I've said this before many times that it's a very high compliance burden that we're placing on the licensees without having the SCS operational. It takes a lot of time and also it requires that you hire all these inspectors to go on site because you can't just remotely access the inventory, which would be much easier for everybody in real time for, again, in the interim, if we think it's going to be like another year, not just four months, we kindly ask that you allow the supply side operators to upload a spreadsheet like the retailers do. Thank you so much.

Speaker 1 Jared Spindle followed by David Nikpomski.

Speaker 10 Actually, the reasons why I came to speak today and pose certain questions were all answered. As a card licensee, one of the biggest things was this expiration that's fast approaching and the confusion there, amongst other things, but I appreciate the work you're doing. I know it's an imperfect and very difficult challenge to deal with all this stuff, so I am happy to see the progress and looking forward to opening my shop.

Speaker 1 Thank you, David followed by Michael Rodriguez.

Speaker 2 Hi, I'm David. First, thank you sincerely to the board for extending provisional licenses with resolution 2025-65. The speed with which you and OCM acted on NYCRA's concerns and adopted every single proposed remedy today and then some shows that you take the issue of facing retailers seriously. And we thank you. But the world has not stopped over the last two months. These are my children and my grandchildren. They are entirely financially dependent upon me. And they are about to be devastated by New York's practical policy of non-enforcement against the still-growing illegal market around us. As card licensee, New York went from promising us a non-recourse turnkey dispensary opportunity to last Thursday promising to come after me personally for cannabis taxes if my business fails. Taxes from a business that cannot survive precisely because of the state's non-enforcement of its own laws. Let me repeat that. No licensee can survive in our area under the non-enforcement. It is not possible. That is a mathematical fact. This now means potential personal bankruptcy for me and the destruction of my children and grandchildren's financial future while millions of tax dollars that should be funding our community projects instead flow into the pockets of the illegal operators around us. What happens to my staff and their families if we fail? To our suppliers and their staff? The blast radius spreads far beyond me when New York abandons its licensees this way, and we are not alone. We are just early retail licensees. The looming disaster coming from ignoring the illegal market will make today's proximity school issue look small by comparison. Shame on everyone who has promised me personally over the last 18 months and left those promises unfulfilled. This is now practically a policy choice and a particularly unconscionable and shameful one.

Speaker 3 Good afternoon, Jessica Garcia, Chairwoman and the rest of the cannabis control board. My name is Michael Rodriguez. I received my provisional car license in January 2023. I am one of the original 150 car licensees that was originally promised a turnkey dispensary. Since November 15, 2004, I have assigned lease and have been obligated to my agreements, which is paying rent. On December 1st, 2021, I was denied proximity to protection for encroachment on the 1,000-foot rule. December 8th, 2024, I filed for PCA and included a licensed surveyor survey showing less than a one-foot encroachment. Ten and a half inches short of the 1-thousand-foot rules. So, on my PCA request, I also stated that I will move the door to be in compliance. OCM has never responded. I only received confirmation of my request for PCAs. In February 2025, I was directed to refile PCA under the 119.4 regulations. I have filed PCA under the previous regulations because 119 point four was still under consideration. So technically I requested PCA under the old and the new regulations and never have been addressed. So in July, after patiently waiting months on PCA and closed the financial rule, and I took on more debt by filing an architectural plans with Department of Building showing that I can move the door to be in compliance. But again, to no response. And today, I'm not even sure if that is still a viable plan because of my financial limitations now. All I am asking for is some objectiveness. Less than a foot encroachment does not affect foot traffic. It doesn't affect sales. Chairman Garcia previously stated in the last meeting that most PCAs will be addressed today. Please communicate with me on my PCA request. I'm here and available. I'm always available for communication. Thank you so much.

Speaker 1 Thank you. Hamid Ardebele followed by Scott Trifolo.

Speaker 3 I wrote good morning, but it's good afternoon. Chair Garcia and members of Cannabis Control Board. My name is Hamid Michael Ardevely. I'm a social and economic equity licensee and a longtime resident of Hell's Kitchen Manhattan. I'm here to respectfully request a swift determination of my PCA waiver for 653 9th Avenue so I can move forward with the opening of fully compliant safe and licensed dispensary. The MRTA was passed to expend opportunity repair past harms. And ensure that equity licensees like myself could build a lawful community-based business. But the reality has been different. Emails go unanswered, FOIA requests are ignored, and unpublished rules are enforced. This is not the equity process the law promised. In my case, OCM determined my site is 980 feet from another dispensary, while both OCM local map and an independent survey shows the distance is actually. Over 1,000 feet. Even if OCM's numbers were correct, they have never explained the discrepancy or acknowledged my evidence. Instead, technical disputes have prolonged the process and created unfair obstacles. But I'm not alone in this. I have the formal support of Senator Brad Hoylman Siegel, Assembly Member Tony Simmons, Council Member Alec Butcher, and the Manhattan Community Board for which voted to support my application despite being told about the proximate issue. That level of support reflects the clear demand from my community for a safe legal equity owned dispensary. With all due respect, the slow rollout of PCA requests and then consistent enforcement of unpublished rules has created serious setbacks for equity licensees like me. These delays are harmful. Especially given the urgent needs for legal cannabis access in our neighborhood. Thank you. Thank you

Speaker 1 You can submit it in writing if you like. Yes, absolutely. Scott Trifolo followed by Jeremy Rivera. Thank you.

Speaker 2 Hello, everybody. Scott Truffalo, micro with retail license number four. Just here to touch on the micro pro forma slide. I've spoken before regarding this. There are some things that I think we can do, the OCM can do to help the micro program survive and strengthen itself. One being the proposed farmers markets. To allow the micro retailers to be able to be a part of those as a retailer, even if it's only to sell our own products that we cultivate and process ourselves. Something as simple as that would be help. Well, there's farmers markets in this area, in the capital district, that are willing to allow us to operate as a vendor as long as we meet your requirements to do so. That's one thing that I see helping. And another thing that I see happening that I've heard some talk about but I haven't seen any movement on it. Excuse me, the micro license cultivation class of combination license of indoor plus outdoor. Right now there's only a combination license. Outdoor and mixed light, and both of those tiers are cut in half to have that combination. For me to offer a more diverse product line, it would be so helpful to me to have an outdoor cultivation and an indoor cultivation combination tier, and to have it run the same way, to have the canopy sizes cut in half. As they do so for the outdoor and mixed light. So I would hope that the board and the OCM can consider these things moving forward and I think it will help the micro program survive and thrive.

Speaker 1 Thank you, sir. Jeremy Rivera followed by Zimia Lewis.

Speaker 2 Good afternoon, Chair Garcia and members of the Cannabis Control Board and Director Reed. My name is Jeremy Rivera. I'm the co-founder and owner of the Turprose Dispensary and also the president of the Cannabis Retail Alliance of New York. I'd like to first thank you for the advancement of the Gourmet Buds License DBH

Turproses Astoria. I also would like to thank Pat, the legal department and the investigations unit for working diligently. To find that there was no wrongdoing on my personal or anybody on my team's part when it came to the allegations that were presented. But my situation isn't really unique, and there are other licensees, compliant licensees who are going through very similar struggles. As Director Reed said, I also believe in the words of the MRTA, and I also believed that we should never just bring solutions, but also bring regular fixes. A lot of the issues start that we have community boards that are very ultra-conservative, municipalities that are holding out competent licensees and compliant licensees from opening their stores. These views are completely against what the MRTA stands for and are holding good operators back from opening stores and taking care of their families and continuing to serve the communities. With the resolutions, right, no problems, only solutions, right? I think the first thing we should do is create a better way of communication, a more open form of communication when it comes to these licensees, their problems, and what they're going through. I know in my particular situation, within the four months that I was going through this problem, I sent over two dozen emails to the response of maybe one or two and of them just very generic. Sometimes a simple, like we receive the email, we know what you're going through, stops a company from going bankrupt or even going through mental anguish and problems. So just keep that in mind. Thank you.

Speaker 1 Thank you so much. Zinnia Lewis, followed by Matthew Robinson.

Speaker 7 Hi, nice to meet everyone. I'm Zamiya Lewis from Big Gas Dispensary, piggybacking off of what he said. The transparency is very important. Can you speak to the mic a little bit? Sorry, the transparency is very important, you know. There is someone that applied in the audience, but struck license under a micro, and they just showed me their communication back and forth with OCM, and it is a deadline. It's a flat line. It's non-existent. The emails just keep going and going and going and go. And there's no response. Even if their application is just under review, just some type of response, just to let it be acknowledged that they have received it and they do, and their application it's being worked on, you know, it's everyone's time and everyone's money that they are invested into this. And people are running out of time after doing this for a few years. And as part of CRANI, we are looking to be able to relook at the delivery rags. At the moment, we are not allowed to take cash. We are not allowed to go to anyone's house or home of residence and deliver and be able to take any type of debit. We need some type of wiggle room. We're a business and we need to be able to run our business and operate our business. And we need to be able to make money if we're constrained and we can't have any type of wiggle rooms even to keep it safe. You know, we're losing out on those people that are going to the illicit market that the illicit market can deliver to your house and they can take cash from you. You know, they can do all of this. I think there's a way that we can revisit this and figure out a safe way for us to be able to take a minimum amount of cash, especially if we have reoccurring regular customers, you know people that we trust, people that know that. It's okay. We just need to relook at this and figure out a way for us to be able to open up our business and still be safe. So thank you guys.

Speaker 1 Thank you. Matthew Robinson followed by Cos Marte.

Speaker 11 Hello and good morning, everyone. First and foremost, thank you to the CCB, the OCM, CAB, everybody that worked so hard to get us here. I'm going to get right to it. So there's a few things that I wanted to sort of bring up. The first was the car program. I've seen that there was 159 licensees that were given the funding from that car program out of the five million. That still leaves \$230,000 that we would like to know just where it's going.

And what's happening in the future with it. Also, we would like to make sure that, or we would to ask the CCB that we begin to implement the new PLMA. Some of these rules and restrictions as far as no discounts, giveaways, all this stuff that limits us just allows the illicit market to thrive. While the illicit market is selling stuff for half the price we sell it for while they're giving it away and they're doing all these things, it just makes it harder to bring in customers from there to the legal market. Something to also keep in mind. Also, the on-site consumption. We are waiting for some type of guidance or regulation or rule of when that will begin. When we can start having lounges in, you know, different kind of places where we can consume as a community and educate people in better ways. Also, one last thing I would like to bring up is the license renewals. Right now, they're every two years. We've run into an issue with the proximity where people can't really renew because of the issue. But if it was every five years, we wouldn't have this problem right now. We wouldn't be talking about people not being able to renew their license. So just fixing some things, making some adjustments. I am also the director of CRANI, the cannabis retail line to New York. And we would love to sit down with the Cannabis Control Board, the OCN, and have a conversation about what licensees are looking for, what licensees need done. Thank you very much.

Speaker 1 Thank you. Cas Marte followed by Nubia Ashley.

Speaker 12 Hi, my name is Cos Marte. I'm also part of the Cannabis Retail Alliance of New York as a vice president And I'm, also the CEO and founder of ComBud I'm not going to talk about the school proximity because I'm in litigation and all that stuff and I know this has been a nightmare and it's crazy and whatever And I'll fear and we'll figure it out But I think there's a lot of stuff in that we spoke about today that need to be fixed, you know, primarily communication, but there was things that I saw in the PMLA proposal that we only basically have 1.5x on the discount. So, for example, if we have a, but we still have to pay the total tax of the non-discount amount. So let's say if I have \$100 ounce, right, and I discount it to \$75, which is the limit that I'm allowed to do by the proposed regs, right? We still have to pay that 13% tax of that \$100, not 13% of the \$75. So our margins still keep dwindling down after I'm only operating at a 9%, 10% profit mod in Right, a lot of people see these huge numbers, right, \$4.5, \$5 million. You know, by the end of the day, at the end of the year, we're not seeing crap, you know. So I think we need to reassess how, you now, the pie is divided, especially when that tax is being discounted and we're paying the tax on top of the big number that's the whole number. So that's a huge problem I see in the market moving forward.

Speaker 1 Tanubia Ashley followed by Ankit Patel.

Speaker 13 Hello. How you guys doing? My name is Nubia Ashley. I just want to say thank you. I got most of my answers from your response and I appreciate it. And I just wanna say I hope everything works out and thank you very much.

Speaker 1 Sure. Thank you. Anki Patel followed by Kashawn Simmons. Ankit Patel in the room. All right. Kashawn Simmons.

Speaker 7 In trying to see the baby. He's very.

Speaker 1 No, yes, okay. He will be followed by Gary Guzman.

Speaker 14 Good afternoon. My name is Kashan Simmons of Budstruck LLC and I'm a microbusiness applicant. My number is OCMMICR202300054 and my C applicant number

is OCMSEE202300234. I would like to take this time to thank the CCB and OCM for giving me the opportunity to speak today. Unfortunately, I'm here to share my frustrations and concerns dealing with OCM and the application process in which I've been battling through since December of 2023. I have made countless emails and phone calls to the office to try to get answers about the status of my application. I was told by the agent handling my case that there was no other deficiencies and everything was in order, and I'm a license. Would be approved at the May CCB meeting of this year. However, that meeting has come and passed, and I'm still with no license. I have continued to follow up, asking what else needs to be done. And I'm reverted with no instructions. I've asked for supervisors to be connected to me, and none have been. Is there — if there is nothing left to correct, and my application is in good order — Why am I not being approved? And even more, why am I not treated with the decency of a response to my emails and phone calls? I have expenses every month to keep this business going and without any guidance or communication from the office, this is putting me in a terrible position and I'm flushing money down the toilet. I followed all the guidelines, listened to every OCM meeting and followed all of the rules. The office is not doing their part. And not communicating with the applicants, and it's not in the spirit of the martyr. Please do your job and please communicate with people who are put in limbo and is being shut out by the office.

Speaker 7 Thank you. Quick question for you. Did you say you were December Q? Yes. Are you retail or micro?

Speaker 14 Uh, uh, micro business. Okay. Thank you.

Speaker 1 Gary Guzman followed by Max Freed.

Speaker 7 I apologize November queue, not the December. Oh, November? OK.

Speaker 15 How you guys doing? So I had a whole speech for you guys, but obviously two minutes is not.

Speaker 1 You can email it to us.

Speaker 15 say it again.

Speaker 1 You can email it to us.

Speaker 15 I have a couple of situations that have happened. It took me 11 months just to get a lease. Situations with landlords trying to take advantage of card applicants like myself. You go and they tell you one price and then they find out what's going on and then they give you another one. And it's been 11 months of this type of you know, greed. I'm kinda happy that you guys changed the September situation that I was going through because I was about to be expired. I just got a lease for a location. I communicated about three and a half weeks ago to OCM and still haven't gotten any response from you. And this is an ongoing thing with OCM. You know, you have to get pre-screened to even talk to anyone. You know which, I don't know what's that about, to be quite honest with you. After you get pre screened, they send you to voicemail. You leave a voicemail to get a respond a month later, which, how is that going? I'm losing money, ma'am. You know I've invested all I have into this program. About \$32,000. Of my money is going down the drain while you take your time to respond. This is the minority group that you guys gave card to. This is a minority group. I come for 50 years of business to this community of East New York to be going through this. You know, and it's unfair. We were supposed to get a grant,

no grant. We were suppose to get an attorney key. The only one turning the key is no one because I'm not processed and my money's up in the air. You know? So it's really unfair. It's really unfair what's going on in the practice that's going here. Thank you for your time.

Speaker 1 Thank you. Max freid followed by Charles Robinson.

Speaker 2 I'm Max Freid. It's outrageous and misleading for OCM to try to use a scary red danger zone on a graph to once again commandeer this board's power under Merit Article 2, Section 10, Subdivision 2. Most of those red zone December licenses are preliminarily enjoined by organic blooms because they didn't meet the requirement to notify municipalities before applying for retail. Those thousands of applications of all December provisional retail applicants, probably also the provisinal retail micro-businesses, are currently going nowhere. And I'm sorry to say they'll probably eventually be thrown out. However, Organic Blooms doesn't enjoin the processing of December Q provisional micro businesses if those applicants are supply only, not retailers. If there's dispute on this, I urge the board to ask their own council to review the revised injunction. Now, it seems OCM has under pressure given the appearance of advancing application processing while sticking to their apparent independent policymaking effort to usurp this board's authority and choke off the supply licenses under the conceit that the legal cannabis regulatory apparatus. Has the power to dictate prices to the cannabis consumers of New York State, who overwhelmingly still choose to buy outside the legal market. I believe they've combined these two desires to appear to be doing something about backlogs without actually providing the quality and affordability that would result from adequate supply licensing by dedicating limited licensing effort to the virtual, non-plant-touching, branding-only type 3 licenses. It's not just the dedicated type 3 category being approved in meetings that these virtual licenses are being put through. They're also a very large proportion of the licenses being approved in the general processor category. OCM's assertion that holders of both cultivation and processing licenses may not buy flour in the open market means even fewer of those Keystone Type 1 processor licenses can help bring an independent farmer's products to stores. From what I've seen, OCM has not released data publicly on how many processor licenses there are split out, not just by type, but by how many of the plant touching types are independent processors who can participate on the open market. Just how many independent extractors are there. Thank you. Thank you

Speaker 1 Charles Robinson followed by Audrey Williams.

Speaker 16 Yes, Charles Robinson. Hold up, roll up. LLC. I was there in the beginning at the very first meeting when this program got launched and if I challenge anybody on this board to go back and look and look at the comments that I made during this journey to now and and y'all making me look good because every comment that I came to fruition. As I look at this board I see no one that was there when this began, when the blueprint was actually written, but yet the people who were the innovators and not the imitators, the people that created the foundation that produced two billion in tax revenue have been Oscarsized. If this program and this rollout was so bad, how did you make two billion dollars but you're making it seem like this program is the people Hmm You allowed in this program, didn't do the right thing to make this program exist. There's a lot of people behind the scenes, the powers that be, that's trying to make the program fail so that the big tobacco companies can come in and scoop up. It don't take a rocket scientist to figure out what's going on, what New York State is doing, and who they are behold to. Everything that y'all do is damaging the little person. Because you want the big person to come in, like the knight in shining armor. When you came up with this distant rule a couple months ago, I read an article in the paper where one of the senators said they should have let, they

tried to accuse us, black and brown people, for being the problem with what is happening right now. Like you should have led in real businessmen. Well, we are real business men. That's why this program is working right now, Because we didn't We are paying our taxes on time. We are real businessmen.

Speaker 1 Thank you, sir. Okay, sounds, thank you. Jennifer Babane followed by Marquise Hayes.

Speaker 17 Hi everybody. Hi. I feel like a pop star now. Hi everybody, good afternoon. Thank you for everything. My name is Jen Babine. I'm the owner of 100 North Third. I'm a sea licensee. I'm here to oppose a PCA request for Fignolo Care LLC. It's 177 Grand Street. The two closest dispensaries to this location, including mine, which is less than 1,000 feet away, have not even opened. One of the tenants of the PCA is a public need that can't be shown here because there is no active cannabis market, being that the stores aren't opened yet. I was granted a provisional license in July 2024 and for seven months, like many people here, I went through anywhere from upstate to the east end of Long Island trying to convince landlords to rent and navigating the proximity protection without lawyers that I couldn't afford. And after seven months. Of securing proximity protection. I go a few blocks away and this company who is wanting to open a second location outside of their Manhattan location is putting up signage saying legal dispensary opening soon and going to community board meetings. I just didn't understand. Equity requires that licensees who endure the long, difficult process of securing sites have a fair chance to open and begin recovering their investment before new competitors are permitted within the thousand feet. Finally, to many other speakers here, the communication and lack of responses. I repeatedly requested the PCA application and filing date to understand the basis for this request. I want it to be fair and really understand what's going on in my community, but OCM provided no response. For transparency, applicants should be given these documents to participate more meaningful in these conversations. In conclusion, this is a multi-state store operator that would be opening before the closest single store dispensaries. Would actually even who have proximity approval have even opened. Thank you for your time guys.

Speaker 1 Thank you. Marquis Hayes followed by Sheldon A.

Speaker 2 Good afternoon. My name is Marquis Hayes. I am the founder and CEO of Brown Butter New York. My heart's currently pounding because I just discovered that I lost another investor during this meeting.

Speaker 7 I'm sorry.

Speaker 2 As a modern day recreational service producer, I've always valued building strong, trusted relationships with the farmers and suppliers I work with. Unfortunately, many of those partnerships have been damaged and with them, the trust and customers once placed in us to remain reliable and dependable. This has directly affected our ability to serve the people who rely on us most. I first contacted OCM in October of 2024 regarding Brown Butter New York's licensing and municipality challenges we have faced in the town of Southampton, and most recently followed up in July 2025. To date, I've received no formal response. In August 2025, I was compelled to file a suit, Brown Butter, New York versus the town of South Hampton, now covered in the press. The complaints detail how the South Hamptons altered its zoning laws after failing to opt in. In 2021, creating shifting and burdensome requirements that ultimately block the opening of my license dispensary. These actions have already resulted in \$733,000 in expenses, \$60,000

and expired inventory and millions in loss projected revenue. I am one of the first 36. I trusted this program. I still do but the lack of correspondence and transparency that comes from this program is only leading to the PTSD that allowed me not to want to participate in the program in the first place.

Speaker 1 Thank you. Sheldon A., followed by Kenneth Seligson.

Speaker 18 Hello everyone, just wanted to express gratitude to the board, Assembly Majority Leader Crystal People-Stokes, Senator Liz Krueger, people who created the opportunity that we all have today. Just wanted to raise an opposition to OCM Retail 2023-002197. They're seeking a PCA waiver to a dispensary located on Allen Street Public Flour. They currently have no special use permit, so we just wanted to put it on record that they have no evidence for a local permit.

Speaker 1 Could you speak into the mic a little louder? Sorry.

Speaker 18 Yes, sorry. So I just want to get the license number on the record. OCM retail, 2023, 002197. Wear OCM card, 68. And so we just wanted to highlight that they do not have a special use permit, as required by statute. And the provisions that are laid out, the board has to consider for a PCA waiver. Section B highlights that they don't have local permission to open. This matter isn't before the board currently. But in the event that it is, in the future, we will protest to that option for them to be granted a PCA waiver. In addition, we will also be attending any special use permit meetings that will be coming up in the City of Buffalo in order to make sure that our interests are made clear as it relates to the PCA Waiver Process. I think this may be one of the first PCA Waiver Processes that takes place in the city of Buffalo. Why that's called out is because the city of Buffalo has a unique special use permit process. So this is going to be a learning experience for us all. Thank you. Have a great day.

Speaker 1 Thank you. Just two, three more, Kenneth Seligson followed by Dario Rodriguez.

Speaker 19 Definitely not a smooth pop star, but we'll get going here. Good afternoon, my name is Ken Seligson of Seligston Law. I came here today because two of my clients who are sitting here in the back of the room, Jen Babian and Ankit Patel, both own retail stores. One is operational, the other is not, but both independently received PCA notices saying that today, at this hearing, there was going to be a hearing on the PCA applications of two other retailers trying to locate within 1,000 feet of their dispensaries. We're confused. I'm here, I'm prepared. Here are the oppositions that we prepared. We also emailed them to you. What is the process for PCA application and the opposition to those applications? We are not clear. We have scoured all the FAQs that are available. We've looked at the old regulations, the new regulations. Is there an oral argument section of this? We have the standards, but we don't know what standards apply. We talked about this last time I was here, this June 27th deadline where maybe if you applied before June 27, one set of rules would apply, but if you applied after June 27th for a waiver. Another set of rules will apply. What we're requesting is, because we all have to come here and show face and put on our best arguments because their businesses are at risk. So we would like to know if you could come up with a more detailed PCA process or some guidance for us at all so that we can know what has the best way to make our arguments oppose them and bring them. Because in some circumstances, yes, a PCA application makes sense. In others, they should be opposed. And so yeah, so as long as you guys could do that for us, we'll be here at the next hearing, but right now our applications, or our notices say that it was

supposed to be today. So we plan to be here today and oppose the applications. I'm gonna hand you guys copies of the oppositions that I've prepared.

Speaker 1 Dario Rodriguez, followed by Shlomo Weinstock.

Speaker 2 Unfortunately, I am a pop star. How you doing? My name is Dario Rodriguez. First of all, happy anniversary to you guys because I've been coming to these meetings for about a year. I have a gift for you. But unfortunately, the gift of happiness is not here because my application number is OCMMIRC2023000064. Let me repeat that, 000064. That means I applied in October and you guys put me into December Queue. And now I'm hearing all these problems about December Queue's when it comes to micro business. I should have been solved and dealt with in October, but unfortunately I wasn't. I've been reaching out to you guys for the longest time so that I could get some type of response. Your communication is terrible. It's third world, to tell you the truth, the communication that you guys are able to do with us. The only thing that I'm asking along with the patience that I've been giving It's not like I'm paying a rent on the place because I actually own the building So I'm being lenient and very patient with it But none of you guys has been reaching out to any of us about anything The only way that I can find out about anything is when I personally travel hours to come to these meetings To talk to you guys like if you guys owe me money. It shouldn't be that way There should be some type of communication Somebody I don't know what it is. Maybe you could pull out the budget you guys can put five dollars in a pot and hire somebody Who only delegates and answering emails and responding back to people because we have no idea about what's going on I just found out from someone else who's not even here anymore that You guys are looking at micro business licenses Well, I've been coming here for the longest I'm my problem is a little bit different than everyone else's because like I said, I should have been seen in October It's now December I'm only asking for you guys to please reach out with communication to these people that you know have paid and want to make better of their life.

Speaker 1 Our last speaker, Shlomo Weinstock. Mr. Weinstock here.

Speaker 19 What he was here.

Speaker 1 All right. Well, that concludes the public comments period for our meeting. I am just going to let you know when our next meeting is. Our next meeting tentatively scheduled for Thursday, October 9th. It's currently scheduled for New York City. Note the time, location, and livestream link will be shared on cannabis.ny.gov in advance of the meeting and a recording of today's meeting minutes and a transcript will be listed as well. Within a couple of weeks. This concludes today's meeting. If I could just have a motion to adjourn. Thank you. That was seconded. All in favor? Aye. Aye. All right. We are now adjourned. Thank you, everyone. Thank you